

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
DECEMBER 12, 2012**

**CALL TO  
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Greg Stevens, Charles Lapp, Jim Heim, Jeff Larsen, Ron Schlegel and Robert Faulkner. Frank DeKort had an excused absence. Gene Shellerud was absent. BJ Grieve and Bailey Minnich represented the Flathead County Planning & Zoning Office.

There were 2 people in the audience.

**APPROVAL OF  
MINUTES**

Lapp made a motion, seconded by Larsen to approve the October 10, 2012 meeting minutes.

Heim pointed out a typo which would be corrected by Donna Valade, board secretary.

On a roll call vote, the motion passed unanimously.

**PUBLIC  
COMMENT  
(not related to  
agenda items)**

Mayre Flowers, Citizens for a Better Flathead, said Pacific Hide and Steel was now recycling electronics.

Hickey-AuClaire thanked Lapp for his service and presented him with a gift from the board.

Lapp thanked the board and explained why he did not submit a letter of interest to renew his term.

The board and staff briefly discussed Lapp's replacement.

**FLOODPLAIN  
REGULATION  
REVISION  
(FRTA 12-01)**

A request by the Flathead County Planning and Zoning Office for changes to the text of the Flathead County Floodplain and Floodway Management Regulations (Floodplain Regulations). The current Floodplain Regulations were originally adopted in 1984 and the proposed changes are based on changes in state and federal law as well as modifications to improve clarity of permitting procedures, consistency of interpretation and administration, and general user-friendliness of the document. More specifically, the changes include modifications and updates based on recommendations for local floodplain regulations found in the 2006 and 2012 Department of Natural Resources and Conservation's Model Floodplain Ordinance, Title 76, Chapter 5

of the Montana Code Annotated, Chapter 36.15 of the Administrative Rules of Montana and Title 44, Chapter I, Subchapter B, Parts 59, 60, 65 and 70 of the Code of Federal Regulations. The proposed changes are also based in part on a draft version that underwent a public process in 2009 and 2010 but was tabled by the Flathead County Commissioners pending further input.

**STAFF REPORT** Minnich and Grieve reviewed at length Staff Report FRTA 12-01 for the Board.

**BOARD QUESTIONS** Schlegel offered a suggestion based on literature he had given staff they could reference concerning the issue of logging in the riparian area.

Schlegel and Grieve conversed about options to address the issue.

Stevens and staff talked about if Montana Code Annotated referenced the 100 year floodplain or used other language.

Staff passed out to the board a clean draft version of the regulations which addressed five issues which they explained.

Schlegel and Grieve discussed if there was a timeframe for emergency approval for work in the floodplain and what that timeframe was.

Lapp and staff discussed at length pre-existing structures and uses and the dates used to determine if they were pre-existing, and what happened to structures, for example in Evergreen, which would end up in the floodplain when they previously had not been in the floodplain. The question was asked how a structure was determined to be grandfathered or pre-existing. They also discussed what happened if the structure was determined to be in violation.

Schlegel asked if the insurance and mortgage companies gave a kickback to the county for the benefit of updated regulations since they utilized them in determining rates for customers.

Grieve and the board talked about the relationship between bank loans, floodplain insurance, floodplain regulations and determinations.

Grieve continued on to explain in detail the relationship between the banks and government concerning floodplain insurance and the floodplain regulations and determinations.

The board and Grieve discussed after the fact permits for work in the floodplain and how the fact they were deleted in the proposed version of the regulations worked in general.

The board and Grieve conversed about the reasons for the elimination of the provision concerning revoking permits.

Schlegel and Grieve discussed the fee for permits, the difficulties of paying the same fee for a large or small project and the reasons for the fee amount.

Lapp and staff discussed the specifics of what was involved in elevating a site on a floodplain.

Schlegel and staff debated possible alternatives for funding of floodplain permits and the inequalities of large versus small projects in the floodplain for the same fee.

Hickey-AuClaire reminded the board there would be time for board discussion later and said now was the time to hear public comment.

Stevens and staff discussed how the regulations would affect manufactured homes particularly the mobile homes located in Evergreen and all the way to Columbia Falls. The issues included the removal and replacement of grandfathered structures, mobile home parks that would be affected by the regulations, when elevation of a site was required, and anchoring of the mobile home. They also discussed non-residential structure requirements in the floodplain.

**AGENCY  
COMMENTS**

None.

**PUBLIC  
COMMENT**

Garmon Meadows wished to make a comment after viewing the floodplain maps.

Grieve explained the differences between the meetings concerning FEMA's remapping of the Evergreen area and the meeting currently concerning floodplain regulations. He accompanied Meadows to the Planning Office to answer his

questions concerning his property while viewing floodplain maps located in the office.

Mayre Flowers, Citizens for a Better Flathead, 35 4<sup>th</sup> Street West, passed out handouts to the board and offered alternative wording and recommendations.

**STAFF  
REBUTTAL**

Staff addressed point by point the alternative wording and recommendations from Citizens for a Better Flathead and did not have an issue with a majority of the concerns.

Grieve and the board discussed the drawbacks of putting information, such as a preface, which is not regulatory into a regulatory document.

Staff continued on to address the issues raised by Citizens for a Better Flathead.

Grieve asked for clarification from Flowers on the recommendation for the office to send notification of permit applications to members of the public not 150 feet adjacent to the property.

The board and Grieve discussed the difficulties associated with the recommendation.

Grieve went on to describe the difficulties logistically in executing the recommendation.

Grieve read the recommendation which concerned having a passageway for portage of watercraft if the river was at low flow.

The board, Grieve and Flowers discussed the issues involved with the recommendation for portage.

Staff continued to address the issues raised by Citizens for a Better Flathead.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FRTA 12-01)**

Heim made a motion seconded by Larsen to recommend approval of FRTA 12-01.

**BOARD  
DISCUSSION**

Larsen thought it would help to have a preface to the regulations. The board and Grieve discussed possibilities for amending the section which concerned the planning officer's authority.

Larsen liked the idea of letting the public know they had the option to use pilings to help with their structures in the floodplain. He also was in favor of the changes recommended by DNRC and he thought this version of the regulations was better than the 1984 version. He didn't think it was overly burdensome on the public.

Heim agreed with Larsen's comments. He felt it was helpful to go point by point through Flowers' comments and the fact the DNRC and FEMA had a chance to voice their concerns was beneficial.

The board and staff discussed possible changes to the current draft version of the floodplain regulations before them which included the addition of the language of pilings and the addition of a preface and how to get the information which would be in a preface to the public. They also discussed what would happen after new floodplain panels came out for Evergreen.

Stevens expressed his discomfort about how the regulations would affect mobile home owners, especially in Evergreen.

Larsen said the regulations were the same as the current regulations concerning mobile homes.

The board and staff discussed how different mobile home parks were affected, if the parks followed the regulations, if the section was the same as the current approved version of the floodplain regulations, the rates of flood insurance, the specifics of being grandfathered with the new floodplain maps in the Evergreen area and how that was determined, a possible model for a preface for the regulations and a definition for pre-existing structures.

**SECONDARY  
MOTION TO  
Approve  
modifications  
requested by  
DNRC and  
FEMA, add  
language  
encouraging  
columns or  
pilings and  
strike ‘initial  
August 5, 1984’**

Larsen made a motion seconded by Schlegel to approve the modifications requested by DNRC and FEMA submitted to the Board at the meeting, as well as adding language encouraging the use of columns or pilings to raise structures and striking ‘initial August 5, 1984’ from Section 3.01.

**ROLL CALL TO  
Approve  
modifications  
requested by  
DNRC and  
FEMA, add  
language  
encouraging  
columns or  
pilings and  
strike ‘initial  
August 5, 1984’**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION**

None.

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FRTA 12-01)**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION**

Hickey-AuClaire asked for clarification on what happened to the regulations when they went to the Commissioners.

Grieve said the Commissioners would not hold a public hearing.

The board and Grieve discussed possible ways the regulations would come before the board again, how several parts of the state did not have floodplain panels and areas agencies were looking at updating,

**OLD BUSINESS** None.

**NEW BUSINESS** Grieve reviewed what applications were expected to come before the board in the coming months.

**ADJOURNMENT** The meeting was adjourned at approximately 9:15 pm. on a motion by Schlegel. The next meeting will be held at 6:00 p.m. on February 13, 2013.

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Marie Hickey-AuClaire, Chairman

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Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 2 / 13 / 13*